

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

David A. Schmidt,

Civil 06-897 (RHK/FLN)

Plaintiff,

ORDER

v.

Minnesota Department of
Corrections, et al.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by
United States Magistrate Judge Franklin L. Noel dated May 11, 2006, all the files and
records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation (Doc. No. 5) is **ADOPTED**;
2. Plaintiff's application to proceed without prepayment of fees (Doc. No. 2) is
DENIED; and
3. This action is **DISMISSED WITHOUT PREJUDICE**.

Dated: June 7, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge